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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,220	08/23/2000	Reinhard Schneider	195976US0	1106

22850 7590 07/11/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 07/11/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Applicant No.

09/644,220

Applicant(s)

SCHNEIDER ET AL.

Examiner

Preeti Kumar

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--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): 35 USC 112 rejection.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-8 and 11-14.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DETAILED ACTION

Advisory Action

1. Claims 1-8 and 11-14 are pending.

Response to Arguments

2. The Amendment After Final submitted on June 10, 2003 will not be entered for the reasons given in the summary page of the Advisory Action. Specifically, the amendments to claims 5 and 14 overcome the 35 USC 112 rejection however do not put the claims in condition for allowance or place the application in better form for appeal. Furthermore, applicants have not provided any additional arguments or data to overcome the rejection of record as recited in paper no.7, dated 02/14/03. Applicants urge that Fono et al. teach stripping dyes and not controlled partial decolorization as recited by the instant claims. However, examiner draws attention to col.4, ln.11-33, where Fono et al. teach that the degree of stripping achieved in a piece of fabric is judged by the depth of color remaining in the stripped fabric. The depth of color in the dyed fabric before stripping is assigned a color depth of 100. The color depth of a white, undyed fabric piece is assigned a color depth of 0. The fabric after stripping is assigned a color depth from 0 to 100 to indicate the percent of dye remaining in the fabric as determined by visually comparing it to the unstripped fabric (100) and the white undyed fabric (0). Fabrics stripped according to Fono et al. have remaining color depths of from 10 to 40 and showed little or no shift in the color shade of the color remaining in the stripped fabric. Thus, it is reasonable to assume that the process of stripping dyes from

a textile material as taught by Fono et al. is comparable to the controlled partial decolorization as recited by the instant claims.

Furthermore, the recitation "controlled partial decolorization" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

As stated in the previous office action, contrary to applicant's argument that the stripping of textiles with hydroxyalkane sulfinates is achieved only due to the presence of an additional reducing agent, i.e., a sulfite anion, which is not required by the process recited by the instant claims, the examiner points to examples 2 and 4 of the prior art, which clearly teach stripping of textile material without the use of sodium sulfite or sodium dithionite. Furthermore, Fono et al. recognize the importance of decreasing the amount of reducing agent to decrease the chemical oxygen demand of the dye waste water which makes the waste water less harmful to the environment. See col.4, ln.2-10.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Fono et al. provide motivation to one of ordinary skill in the art to use a hydroxyalkane sulfinate in a process of color stripping dyed textile fabric. Furthermore, Fono et al. provide motivation to one of ordinary skill in the art to use ammonium cations in the stripping liquid to enhance the stripping ability of the sodium hydroxy methane sulfinate. See col.2, ln.48-53. As previously stated, Beckmann et al. teach an amino alkane sulfinate of the same formula as recited by the instant claims. Thus, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to develop a process for decolorization of dyed textile material by treating the textile material with an amino alkane sulfinate as recited by Beckmann et al., with a reasonable expectation of success because the teachings of Fono et al. suggest the use of a hydroxy alkane sulfinate and ammonium ions in a process for color stripping dyed textile fabric by treating the textile material with an amino alkane sulfinate in general.

3. Also, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., using hydrogen peroxide at the end of the process of the present invention to remove any slight blue staining of uncolored threads or uncolored parts) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Olip et al. teach an after treatment with hydrogen peroxide as recited by the instant claim. As stated in the

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previous office action, Olip et al. teach a method for bleaching denim textile material into a bleaching composition comprising formamidine sulfinic acid and 1-3% hydrogen peroxide for use in brightening denim fabric. See col.6, ln.26-35. Specifically, Olip et al. provide the advantageous use of hydrogen peroxide to the rinse solution to neutralize any residual alkalinity and oxidize any residual reducing agent in the analogous process of brightening denim fabric. See col.7, ln.33-40.

Conclusion

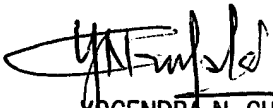
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9309.

Preeti Kumar
Examiner
Art Unit 1751

PK
July 7, 2003


YOGENDRA N. GUPTA
SUPERVISORY PATENT EXAMINER
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